

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

ROBERT C. PROKOP,

Plaintiff,

v.

CIVIL ACTION NO. 1:14-24375

MERCER COUNTY and  
STATE OF WEST VIRGINIA,

Defendants.

**MEMORANDUM OPINION AND ORDER**

By Standing Order, this matter was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and recommendations ("PF&R") for disposition pursuant to 28 U.S.C. § 636(b)(1)(B). (Doc. No. 4.)

Magistrate Judge Tinsley submitted to the court his PF&R on September 19, 2016, in which he recommended that the Court dismiss Plaintiff's Complaint (Doc. No. 1), pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B) and § 1915A, and deny Plaintiff's Application to Proceed without Prepayment of Fees and Costs (Doc. No. 2), with a waiver of the applicable filing fee.

In accordance with 28 U.S.C. § 636(b), the parties were allotted seventeen days in which to file any objections to Magistrate Judge Tinsley's PF&R. The failure of any party to

file such objections within the time allotted constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989). Neither party filed any objections to the Magistrate Judge's PF&R within the required time period.

Accordingly, the court adopts Magistrate Judge Tinsley's PF&R as follows:

- 1) Plaintiff's Complaint (Doc. No. 1), pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B) and § 1915A, is **DISMISSED**;
- 2) Plaintiff's Application to Proceed without Prepayment of Fees and Costs (Doc. No. 2), with a waiver of the applicable filing fee is **DENIED**; and
- 3) The Clerk is directed to remove this matter from the docket of the Court.

The Clerk is further directed to forward a copy of this Memorandum Opinion and Order to counsel of record and to Plaintiff.

It is **SO ORDERED** this 1st day of February, 2017.

ENTER:



David A. Faber

Senior United States District Judge